S.B. CRIMINAL REVISION PETITION NO.902/2006
(Champat Raj & Ors. Vs. State & Anr.)

Date of order : 10.4.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Pradeep Shah, for the petitioners.
Mr. Ashok Upadhyay, Public Prosecutor.
Mr. B.S. Rathore, for the respondent No.2.

Heard learned counsel for the parties.

It is contended by the learned counsel for the petitioners that the complaint filed by the non-petitioner No.2 was dismissed by the trial court vide order dated 14.11.2005 against which the non-petitioner No.2 preferred a revision petition before learned Additional Sessions Judge, Abu Road District Sirohi wherein the petitioners were not impleaded as party. It is further submitted that learned revisional court while allowing the revision petition filed by the non-petitioner No.2, passed an order directing the trial court to take cognizance against the petitioners. Such type of order cannot be passed by the revisional court. Of course, the case can be remitted for reconsidering the matter afresh and for taking further inquiry.

Learned counsel for the non-petitioner has no objection if the case is remitted to the revisional court for passing fresh orders.

In this view of the matter, the learned counsel for non-petitioner is directed to implead petitioner as party before revisional court and the order impugned dated 28.7.2006 passed by Addl. Sessions Judge, Abu Road, District Sirohi is set aside and the case is remitted to the Additional Sessions Judge, Abu Road for fresh decision in accordance with the law after providing opportunity of hearing to both the parties.

With the aforesaid observations and directions, the revision petition is disposed of.

(GOPAL KRISHAN VYAS), J.

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